

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

September 20, 2012
BCO-145

No. 12-8086

IN RE: BLOOD REAGENTS ANTITRUST LITIGATION

ORTHO CLINICAL DIAGNOSTICS, INC.,
Petitioner

(E.D. Pa. No. 2-09-md-02081)

Present: SCIRICA, SMITH and CHAGARES, Circuit Judges

1. Petition for Leave to Appeal pursuant to Fed. R. Civ. P. 23(f) filed by Petitioner Ortho Clinical Diagnostics, Inc..
2. Motion to Seal Volume II of Appendix filed by Petitioner Ortho Clinical Diagnostics, Inc..
3. Motion to Seal Supplemental Appendix Volume II filed by Respondent F Baragano Pharmaceuticals Inc..
4. Corrected Response to Petition for Leave to Appeal pursuant to Fed. R. Civ. P. 23(f) filed by Respondent F Baragano Pharmaceuticals Inc..
5. Reply in Support of Petition for Permission of Appeal pursuant to Fed. R. Civ. P. 23(f) filed by Petitioner Ortho Clinical Diagnostics Inc..
6. Motion for Leave to file a Reply to Petition for Permission to Appeal Pursuant to Fed. R. Civ. P. 23(f) filed by Petitioner Ortho Clinical Diagnostics Inc..
7. Response in Opposition to Motion for Leave to File Reply filed by Respondent F Baragano Pharmaceuticals Inc..

Respectfully,
Clerk/JK

ORDER

The unopposed motions to seal Volume II of the Appendix and Volume II of the Supplemental Appendix are granted. The reply is deemed filed as of September 26, 2012.

The petition for leave to appeal pursuant to Fed. R. Civ. P. 23(f) is hereby granted. The Clerk is directed to forward a copy of this order to the U.S. District Court for the Eastern District of Pennsylvania to serve as the notice of appeal. Petitioner is directed to pay the docketing and filing fee in the District Court within 14 days from the date of this order. Provided that the filing and docketing fee is paid, the action will be transferred from this Court's miscellaneous docket and opened as an appeal on the Court's general docket and a briefing schedule issued. Once briefing in the appeal has been completed, the matter will be assigned to the panel of Judges Scirica, Smith and Chagares for disposition on the merits.

By the Court,

/s/ Anthony J. Scirica
Circuit Judge

Dated: October 25, 2012

JK/cc: Jay S. Cohen, Esq.

Jeffrey J. Corrigan, Esq.

Jeffrey L. Spector, Esq.


Richard E. Coe, Esq.

Joanne C. Lewers, Esq.

Chanda A. Miller, Esq.

Paul H. Saint-Antoine, Esq.

Thomas G. Slater, Jr., Esq.


A True Copy
Marcia M. Waldron
Marcia M. Waldron, Clerk

OFFICE OF THE CLERK

MARCIA M. WALDRON
CLERK

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601 MARKET STREET
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October 25, 2012

Michael Kunz
United States District Court for the Eastern District of Pennsylvania, Room 2609
James A. Byrne United States Courthouse, 601 Market Street
Philadelphia, PA 19106-1797

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

NOTICE

GRANT OF PERMISSION FOR LEAVE TO APPEAL

The Court of Appeals has granted a petition for leave to appeal in this matter.

The \$455.00 docketing and filing fee must be paid in the district court within 14 days after the entry of the order granting permission for leave to appeal, unless the petitioner is the United States government. Fed. R. App. P. 5. In addition, a cost bond must be filed if one is required under Fed. R. App. P. 7.

A notice of appeal does not need to be filed as a copy of the Court's order granting permission for leave to appeal which has been forwarded to the district court will serve as the notice of appeal.

The entry date of the order granting permission to appeal serves as the date of the filing of the notice of appeal for calculating time under the Federal Rules of Appellate Procedure. **Petitioner should notify the Court of Appeals in writing that the filing fee has been paid.**

Upon receipt of the notice from petitioner, the appeal will be opened on the general docket. All future filings regarding the appeal will be entered under the new docket number.

Very truly yours,

A handwritten signature in cursive script that reads "Marcia M. Waldron".

Marcia M. Waldron, Clerk

By: James King,
Case Manager
267-299-4958

cc: Richard E. Coe, Esq.
Jay S. Cohen, Esq.
Jeffrey J. Corrigan, Esq.
Joanne C. Lewers, Esq.
Chanda A. Miller, Esq.
Paul H. Saint-Antoine, Esq.
Thomas G. Slater Jr., Esq.
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